

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. R-11/08-530
)
Appeal of)

INTRODUCTION

The petitioner, on behalf of the Vermont Achievement Center (VAC) in Rutland, Vermont, appeals the decision by the Department for Children and Families not to renew her agency's contract to deliver certain child and family support services in that community. The preliminary issue is whether the petitioner has legal standing to request relief from the Board.

A telephone hearing was held on December 8, 2008, following which the Department filed a Motion to Dismiss. To date, the petitioner has not filed a timely response to this motion. The following discussion is based on the uncontested representations of the parties.

DISCUSSION

It appears that VAC has held a contract with the Department to provide certain child and family support services in Rutland County since 2000. It also appears that sometime in or prior to November 2008 the Department awarded

the service contract to another provider. The petitioner appealed the Department's decision to the Board on November 20, 2008 alleging that "it is not in the best interests of this program nor of our community for this contract to be awarded elsewhere".

ORDER

The petitioner's appeal is dismissed for lack of legal standing and subject matter jurisdiction.

REASONS

The Legislature has defined who has standing to bring an action before the Human Services Board; the applicable provisions are found at 3 V.S.A. § 3091(a) which states:

An applicant for or a recipient of assistance, benefits, or social services from the department for children and families, the office of Vermont health access, and the department of disabilities, aging and independent living, the division of mental health of the department of health, or an applicant for a license from one of those departments or offices, or a licensee, may file a request for fair hearing with the human services board. An opportunity will be granted to any individual requesting a hearing because his or her claim for assistance, benefits or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other agency action affecting his or her receipt of assistance, benefits, or services, or license or license application; or because the individual is aggrieved by agency policy as it affects his or her situation.

The petitioner admits that her agency is not an applicant for or recipient of any benefits, services, or license from the Department. She does not argue that the Department's contracts with community service providers are either specified or contemplated as being under the aegis of review by the Human Services Board. Therefore, it must be concluded that she does not have standing to pursue an appeal of the Department's decision in this matter to the Board.

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